

REMARKS

Claims 1-3 have been allowed, and claims 4-13 have been canceled by the examiner via the Examiner's Amendment. As claims 4-13 should have been allowed together with claims 1-3, applicant reintroduces canceled claims 4-13 as new claims 15-24. Note that new claims 23 and 24, which correspond to canceled claims 12 and 13, now correctly recite the preamble. Applicant submits that claims 4-13 should have been allowed instead of being canceled for the following reasons.

First, claim 10 (now claim 21) depends from allowed claim 1, and thus was not withdrawn. Accordingly, claim 10 is allowable.

Second, method claims 7-9, 12, and 13 (now claims 18-20, 23, and 24) contain all the limitations of allowed claim 1. In this respect, applicant takes Official Notice that method claims 7-9, 12, and 13 **MUST** be rejoined and allowed together with allowed product claims 1-3 and 10. **See MPEP § 821.04(b).** In other words, per the decision in *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed. Cir. 1995), if a method claim contains all of the elements of an allowed apparatus claim, then the method claim is allowable.

Third, similarly as above, remaining product claims 4-6 and 11 (now claims 15-17 and 22) also contain all the limitations of allowed product claim 1. In this respect, applicant also takes Official Notice that remaining product claims 4-6 and 11 **MUST** be rejoined and allowed together with allowed product claims 1-3 and 10. **See MPEP § 821.04(a).**

Applicant therefore submits that new allowable claims 15-24 must be entered as a matter of right since it was present in the application before they were improperly canceled. Applicant looks forward to receiving a supplemental Notice of Allowance.

Respectfully submitted,

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DATE

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